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09-CV-00843-ORD

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GARY DWAYNE YOUNG,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

Case No. C09-843-JLR

ORDER OF DISMISSAL


The Court, having reviewed petitioner's 28 U.S.C. § 2254 petition for writ of habeas corpus (Dkt. 6), the Report and Recommendation of United States Magistrate Judge Brian A. Plaintiff's Objections (Dkt 21), Tsuchida, the governing law, and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Petitioner's petition for writ of habeas corpus (Dkt. 6) is DISMISSED with prejudice;
- (3) The Court denies issuance of a certificate of appealability as to claims 1, 2, 3, and 6;
- (4) The Court grants a certificate of appealability as to claims 4 and 5.
- (5) The Clerk of Court is directed to send copies of this Order to all counsel and to

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1 Magistrate Judge Brian A. Tsuchida.

2 DATED this 27th day of February, 2010.

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5 JAMES L. ROBART
6 United States District Judge
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